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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 12 2007

In re U.S. Patent Application:
GROSS, Jeffrey M.Before the Examiner
BLANCO, Javier G.

Application No. 10/669,779

Group Art Unit 3738

Filed September 24, 2003

Our Ref.: 4002-3423/PC890.00

ASSEMBLED FUSION IMPLANT

Confirmation No. 6416

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENTMail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

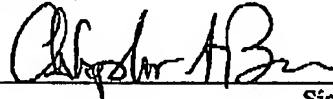
1. List of All Patents, Publications, U.S. Applications, or Other Information

Pursuant to the provisions of 37 CFR 1.56, 1.97, and 1.98, Applicant requests consideration of the references listed on the attached PTO/SB/08 form(s) (commonly referred to as a PTO-1449 form) and/or the additional information identified below.

- ☐ I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
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- ☒ I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on the date indicated below.

Christopher A. Brown

Typed/printed name of person signing this certificate



Signature

April 12, 2007

Date

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2. Enclosed Legible Copies

- 2a. A legible copy of each foreign patent document and publication listed on the PTO/SB/08 form is enclosed,
- ☐ i. except, a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior U.S. Patent Application Serial No. _____, filed _____ from which the present application claims priority under 35 U.S.C. §120.
- ☐ ii. except, a copy is not provided for each cumulative reference and enclosed reference identified below:
- ☐ 2b. A copy of the specification and drawings for each cited unpublished U.S. application.
- ☐ 2c. A copy of a Search Report or Written Opinion from a foreign patent office is also enclosed.
- ☒ 2d. Consideration of the enclosed additional and/or below discussed information is requested.

3. Concise Explanation of Relevance for Non-English Language Information

For each non-English language reference listed on the attached SB/08 form(s), reference is made to:

- ☐ 3a. an English language translation submitted herewith,
- ☐ 3b. foreign patent office Search Report (in the English language) submitted herewith,
- ☐ 3c. an English language translation of a foreign patent office Search Report submitted herewith,
- ☐ 3d. the concise explanation contained in the present application at page(s) _____,
- ☐ 3e. the concise explanation set forth in the attached English language abstract,
- ☒ 3f. a copy of a related patent publication (in the English language) cited herewith,

Foreign Patent Document	Corresponding English Language Patent Document
DE 202 05 016 U1	U.S. Patent 7,135,042 B2

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☐ 3g. the following concise explanation: ____.

4. Time for Filing

☐ 4a. This Information Disclosure Statement is submitted:

- ☐ i. for U.S. national applications or national stage PCT applications (not including CPAs and RCEs), within 3 months of filing or entry into national stage; or
- ☐ ii. for U.S. national applications, national stage PCT applications, CPAs or RCEs, before the first Office Action on the merits,

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- ☒ i. the statement specified in 37 CFR §1.97(e) is provided below, or
- ☐ ii. a fee of \$____ (set forth in 37 CFR §1.17(p)) is enclosed.

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- ☐ i. the statement specified in 37 CFR §1.97(e) is provided below, and a fee of \$ (set forth in 37 CFR §1.17(p)) is enclosed, or
- ☐ ii. a Request for Continued Examination (RCE) and fee of 37 CFR §1.17(e) has been filed.

☐ 4d. This Information Disclosure Statement is submitted after payment of the issue fee, and thus:

- i. a Petition to Withdraw from Issue pursuant to 37 CFR §1.313(c)(2) has been filed, and
- ii. a Request for Continued Examination (RCE) and fee of 37 CFR §1.17(e) has been filed.

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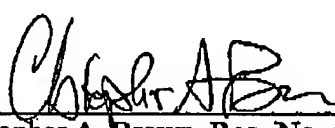
5. Certification- Statement Under 37 CFR 1.97(e)

- ☐ 5a. It is hereby certified that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ 5b. A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.
- ☒ 5c. It is hereby certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b). It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By


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WEMMH/SB/08A (4/03)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Examiner Signature		Date Considered	
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